



E-Filed on 3/25/09

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5 Attorneys for USACM Liquidating Trust

6 **UNITED STATES BANKRUPTCY COURT**
 7 **DISTRICT OF NEVADA**

8 In re:

9 USA COMMERCIAL MORTGAGE
 10 COMPANY,

11 USA CAPITAL REALTY ADVISORS, LLC,¹

12 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,

13 USA CAPITAL FIRST TRUST DEED FUND,
 LLC,²

14 USA SECURITIES, LLC,³

15 Debtors.

16 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR¹
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR²
 Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
 OBJECTION OF USACM TRUST TO
 PROOF OF CLAIM OF TERI MELVIN
 AS FILED PARTIALLY IN WRONG
 DEBTOR'S CASE; OBJECTION OF
 DTDF TO PROPOSED ALLOWANCE
 OF CLAIM**

Hearing Date: April 30, 2009

Hearing Time: 9:30 a.m.

20 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**
 21 **THAT YOU FILED. The USACM Trust seeks to disallow your claim because the**
 22 **USACM Trust contends that Claim No. 10725-02421 is partially based upon an**

25 ¹ This bankruptcy case was closed on September 23, 2008.

26 ² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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1 investment in USA Capital Diversified Trust Deed Fund (“DTDF”) and was
2 therefore filed in the wrong debtor case.

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**
5 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
6 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
7 **CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.**

8 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust by and
9 through its counsel, has filed an Objection of USACM Trust to Proof of Claim of Teri
10 Melvin As Filed Partially in Wrong Debtor’s Case; Objection of DTDF to Proposed
11 Allowance of Claim (with Certificate of Service) (the “Objection”). The USACM Trust
12 respectfully requests that the Court enter an order pursuant to § 502 of title 11 of the
13 United States Code (the “Bankruptcy Code”) disallowing \$192,189.29 of your claim
14 against USACM, disallowing any proposed allowance of your claim in the DTDF case,
15 and appropriately allowing you to retain an equity interest in DTDF in the amount of
16 \$192,189.29 as reflected in the books and records of DTDF as of April 13, 2006. The
17 remaining balance of the claim is subject to further objection.

18 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
19 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
20 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
21 **April 30, 2009, at the hour of 9:30 a.m.**

22 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 30,**
23 **2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
24 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
25 **HEARD ON THAT DATE.**

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NOTICE IS FURTHER GIVEN that any response to the Objection must be filed by April 23, 2009, pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on that matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: March 25, 2009.

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ# 18024)
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Telephone (702) 949-8320
Counsel for USACM Liquidating Trust

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LAWYERS

1 Copy of the foregoing mailed by first class

2 Postage prepaid U.S. mail

3 On March 25, 2009 to:

4 Teri Melvin
2704 Chokecherry Way
5 Henderson, NV 89014

6 /s/ Carrie Lawrence

7 Carrie Lawrence

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